

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2159.05
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	August 16, 2004
DATE OF REPORT:	September 7, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 21, 2004

**COMPLAINT ISSUES:**

Whether the Western Boone County Community School Corporation and the Boone-Clinton-Northwest Hendricks violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program as written, specifically by failing to provide training to bus driver(s) as of the first day of the 2004-2005 school year.

**FINDINGS OF FACT:**

1. The Student has been identified as disabled and determined eligible for special education and related services.
2. The Student's current individualized education program (IEP) states that training will be provided to the Student's bus driver and any bus substitutes regarding the Student's fine motor and health needs. The IEP further states that a planning meeting will be held on or about August 12 with all school personnel working with the Student to discuss scheduling, accommodations, medication, and health issues. Although the IEP does not explicitly state that the Student's bus drivers are to be trained by the first instructional day of the 2004-2005 school year (August 16, 2004), it is undisputed that the IEP implicitly required pre-service training.
3. The School conducted the planning meeting on August 12, 2004. The Student's bus drivers, one for the morning and one for the afternoon, did not attend. The School acknowledges that the bus driver who transported the Student to school on the morning of August 16, 2004, had not received the training required by the Student's IEP.
4. The School conducted training for both of the Student's bus drivers during the school day on August 16, 2004. The Complainant acknowledges that this training session occurred and met the requirement of the IEP. However, the School did not make a written record of the training conducted on August 16, 2004, by means of a sign-in sheet or equivalent documentation.

**CONCLUSIONS:**

Findings of Fact #2 and #3 indicate that the School failed to implement the Student's IEP as written, specifically by failing to provide training to the Student's morning bus driver prior to the provision of transportation service on the first instructional day of school of the 2004-2005 school year. Therefore, a violation of 511 IAC 7-27-7(a) is found. However, Finding of Fact #4 indicates that student-specific corrective action has been taken.

**The Department of Education, Division of Exceptional Learners requires the following additional corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Western Boone County Community School Corporation and Boone-Clinton-Northwest Hendricks Joint Services shall:

Develop procedures and forms to use for the tracking and documentation of required training, whether required by an IEP or by Article 7. [See 511 IAC 7-21-2(a) and (c)(1) and (2)]. A copy of the procedures and forms, together with a list of all school personnel who receive them, shall be submitted to the Indiana Department of Education, Division of Exceptional Learners, no later than September 24, 2004.